

ARTICLE 11.07 FILED AND SET ISSUES

**NO ARTICLE 11.07 APPLICATIONS WERE FILED AND SET FOR
SUBMISSION ON THE WEEK OF MARCH 4, 2020**

ALPHABETICAL LISTING WITHOUT ISSUES

WRIT NO.	NAME	DATE FILED AND SET
WR-83,074-04 & -05	HILL, MICHAEL CHARLES	02/05/2020
WR-88,970-01	MCMILLAN, TANYA MARIE W.	02/12/2020
WR-56,380-03	ROARK, ANDREW WAYNE	12/11/2019
WR-89,477-01	RODGERS, RODNEY KEITH	06/05/2019
WR-89,128-01	THOMAS, STEVEN	01/30/2019

NUMERICAL LISTING WITH FILED AND SET ISSUES

WR-56,380-03

ROARK, ANDREW WAYNE

12/11/2019

Whether Applicant is entitled to relief because the State's expert recanted her trial testimony and because there is new science on rebleeds of subdural hematomas in young children. *See* TEX. CODE CRIM. PROC. art. 11.073.

WR-83,074-04 & -05

HILL, MICHAEL CHARLES

02/05/2020

These applications were filed and set for submission to determine whether (and if so, when):

(1) a defendant's failure to object at the time of trial to the use of a prior enhancing conviction forfeits error, particularly in the context of sex offenses; TEX. CODE CRIM. PROC. art. 1.14(b); TEX. PENAL CODE § 12.42(c)(2), (g); *see Ex parte Rich*, 194 S.W.3d 508 (Tex. Crim. App. 2006); *Ex parte Patterson*, 969 S.W.2d 16 (Tex. Crim. App. 1998, op. on reh'g);

(2) vacating a prior enhancing conviction that was final at the time of the subsequent conviction and sentence affects the validity of the subsequent sentence, particularly in the context of sex offenses; *Anderson v. State*, 394 S.W.3d 531 (Tex. Crim. App. 2013);

(3) the use of a prior enhancing conviction that does not increase the punishment range causes harm; *see Ex parte Parrott*, 396 S.W.3d 531 (Tex. Crim App. 2013); and

(4) a claim concerning the use of a prior enhancing conviction, when that conviction is later vacated, is barred by the equitable doctrine of laches.

WR-88,970-01

MCMILLAN, TANYA MARIE WARRELL

02/12/2020

Whether *Ex parte Pue*, 552 S.W.3d 226 (Tex. Crim. App. 2018), announced a new rule for purposes of retroactivity; if so, whether it is a substantive or procedural rule; and whether one of the exceptions to the general rule of retroactivity applies. *See Teague v. Lane*, 489 U.S. 288, 307 (1989).

WR-89,128-01

THOMAS, STEVEN

01/30/2019

Whether a claim based on *Moon v. State*, 451 S.W.3d 28 (Tex. Crim. App. 2014), is cognizable in an application for a writ of habeas corpus and whether *Moon* should

apply retroactively on collateral review.

WR-89,477-01

RODGERS, RODNEY KEITH

06/05/2019

Whether Applicant is estopped from claiming that his sentence is illegal and he can show harm if other driving while intoxicated convictions were available but not alleged as jurisdictional enhancements in his case. *See Ex parte Parrott*, 396 S.W.3d 531 (Tex. Crim. App. 2013).